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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,636	03/08/2000	Andrew Casper	105026/002	1455

7590

08/15/2003

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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,636

Applicant(s)

CASPER, ANDREW

Examiner

Frantzy Poinvil

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The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis.

As per claim 1, Lewis et al discloses:

a purchaser account database for storing therein purchaser account information for each purchaser, the purchaser account information including at least a purchaser identifier for identifying a particular purchaser, payment data for effecting payment of purchased goods or services, and delivery data associated with the purchaser identifier, the delivery data including at least one delivery address of the purchaser for fulfillment of the purchaser order. Note column 5, lines 3-10; column 15, lines 6-36 and column 16, lines 5-40 of Lewis.

a disabler for monitoring the status of the purchaser account information (14-52);

a processor for receiving the purchase order from said public network the purchase order including the purchase identifier (figure 3 and column 4, lines 53-60);

wherein the purchase identifier is any alpha-numeric code that is different from the payment data (column 25, lines 1-15)

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wherein in response to receipt of the purchase order including the purchaser identifier; the processor retrieves the payment data and the delivery data from the purchaser account database corresponding to the purchaser identifier, transmits the delivery data to the merchant to fulfill the purchase order, and uses the payment data to pay for the purchased goods or services without exposing the payment data to the merchant (column 4, line 53 to column 5, line 2). Lewis et al teaches disabling the purchaser identifier (column 3, lines 38-42) in response to a fraud not to a specific fraud such as the delivery data associated with a particular purchaser identifier. It would have been obvious to one of ordinary skill in the art that such a particular fraud detection measure would have constantly been monitored in the system of Lewis et al because it has been known that hackers or thieves usually perform this type of fraud by having items or goods which they did not purchase or pay for being delivered at their desired address. Thus, monitoring such a similar activity would have provided a more secure system to the users of the system.

As per claims 2-5, delivery addresses such as E-mail and physical addresses being associated with a purchase identifier are well known in the art. Having such in Lewis would have been obvious to one of ordinary skill in the art in order to assure the goods/services and documents are delivered at a proper address.

As per claims 8-10, the system of Lewis does not explicitly teach the disabler is operatively connected to the securitizer and the purchaser account information, the securitizer monitoring the processing system and determining if any alterations to the delivery data being attempted and outputting a trigger to the disabler if the alteration are attempted and the disabler disabling the particular purchase account information in response to the trigger. Such would

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have been obvious to one of ordinary skill in the art with the motivation of providing a secure network in order to encourage consumer's loyalty to the system.

Claim 11 contains features addressed in claims 1 and 10, and therefore is rejected under a similar rationale.

As per claims 12-13, the merchant catalog would have been any other types of catalog.

Claims 14 and 17 are similar in scope and contains features addressed in claim 1, and therefore are rejected under a similar rationale.

As per claims 15 and 16, it would have been obvious to one of ordinary skill in the art to have the system of Lewis being operated by any types of service providers such as a credit card company or a financial institution for profit purposes.

As per claim 18, determining whether the identified purchaser can pay for the purchased product and if the purchaser is not capable of paying canceling the purchaser order would have been obvious to one of ordinary skill in the art at the time the invention was made in order to assure that payment is made for a purchased item.

As per claim 19, invalidating the purchaser identifier if the delivery data is altered would have been obvious to one of ordinary skill in the art for security purposes.

3. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egendorf.

As per 20, Egendorf discloses a method and apparatus for Internet based financial transaction. Note the abstract. The system and method comprise:

At a purchaser system, having access to a merchant store system (column 4, lines 40-47):
selecting a product offered for sale by the merchant, the product being associated with a product identifier (column 5, lines 20-32)

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transmitting a purchaser identifier from the purchaser system to the merchant store system (which is an inherent feature in Egendorf);

at the merchant store system

receiving the purchaser identifier (column 5, lines 20-32 and lines 63-67);

generating a purchase order for the selected product that includes the purchaser identifier (column 5, lines 20-32 and lines 63-67); and

communicating the purchase order to the processing system (column 6, lines 15-39) and

at the processing system

processing the purchase order to retrieve delivery data and payment data associated with the purchase identifier

wherein the purchaser identifier is any-alphanumeric code that is different from the payment data (column 5, lines 24-32);

effectuating payment for the selected product without exposing the payment data to the merchant (column 6, lines 15-39 column 2, lines 44-52).

At the processing system or service provider, processing the purchase order to retrieve delivery data and communicating the delivery data corresponding to the purchaser identifier to the merchant is not explicitly stated. However, it is noted that Egendorf discloses that all information including delivery data may be extracted from the customer purchase order which may be communicated to the merchant for verification purposes. Note column 5, lines 20-24. Communicating the delivery data to the merchant would have been obvious to one of ordinary skill in the art in order to assure that the purchased goods/products are delivered to the correct recipient at the customer's address for security purposes.

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As per claim 21, the teachings of Egendorf are discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to prevent a purchaser from changing the delivery data in order to prevent intruders from tangling with the purchasing system.

4. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egendorf in view of Lewis et al.

Claim 22 contains features recited in claim 20 and these features are rejected under a similar rationale. See also Egendorf as discussed above. Claim 22 further recites “wherein once the secure consumer account is established by the consumer and the unique consumer identifier is assigned to the consumer account, the at least one delivery address associated with the unique consumer identifier cannot be changed without causing the unique consumer identifier to be disabled”. This feature is not explicitly taught by Egendorf. As per this feature, the Examiner asserts that consumer identifiers are usually a unique identification that should not be changed for security purposes. If the delivery address is changed, causing the unique consumer identifier to be disabled would have been obvious to the skilled artisan. Lewis et al further teaches disabling the purchaser identifier (column 3, lines 38-42) in response to a fraud not to a specific fraud such as the delivery data associated with a particular purchaser identifier. It would have been obvious to one of ordinary skill in the art that such a particular fraud detection measure would have constantly been monitored in the combined system of Egendorf and Lewis et al because it has been known that hackers or thieves usually perform this type of fraud by having items or goods which they did not purchase or pay for being delivered at their desired address. Thus, monitoring such a similar activity would enable a more secure system.

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As per claim 23, it would have been obvious to one of ordinary skill in the art to note that if the delivery is changed and the unique consumer identifier is disabled, the consumer must be issued a new unique consumer identifier prior to making a purchase using the secure consumer account stored on the purchasing system in order to allow a consumer transaction to take place wherein the consumer or the consumer's account is known in the overall system.

As per claim 24, storing only a single address in the secure consumer account such that purchased items can only be delivered to the single delivery address would have been obvious to one of ordinary skill in the art with the motivation of knowing when tampering with the system is being effected or when an unauthorized transaction is being performed in the system.

Conclusion

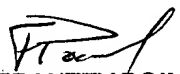
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

August 11, 2003


FRANTZY POINVIL
PRIMARY EXAMINER
44 3628